

# BRAIN INJURY RIGHTS GROUP

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January 6, 2023

**Via ECF**

Hon. Gregory H. Woods  
United States District Court Judge  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007

**Re:** *United States of America, ex rel. Patrick Donohue v. Carranza, et al.*,  
1:20-cv-05396 (GHW) (SDA)

Dear Judge Woods,

As you may recall, the undersigned represents the Relator, Patrick Donohue, in the above-referenced action. On December 26, 2022, the Relator and Defendants Niagara Falls School District and Mark Laurrie, in his official capacity as Superintendent of the Niagara Falls School District (“Niagara Defendants”), filed a Stipulation of Voluntary Dismissal.

The Stipulation applies only to those claims brought under New York State law and City law where applicable, as outlined in the Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Claims in the Relator’s Second Amended Complaint. [ECF No. 239].

The First, Second, Third, and Fourth Claims in the Relator’s Second Amended Complaint are brought against the Niagara Defendants under federal law. The Stipulation of Voluntary Dismissal does not pertain to any federal claims—the First, Second, Third, and Fourth Claims in Relator’s Second Amended Complaint remain.

In endorsing the Parties’ Stipulation, the Court directed the Clerk to remove the Niagara Defendants from the caption of the case. [ECF No. 240]. Because the federal claims against the Niagara Defendants have not been dismissed or withdrawn, they should remain part of this action.

Indeed, the Niagara Defendants have moved to dismiss the remaining claims against them—their motion is under consideration by Magistrate Judge Aaron.

Accordingly, the Relator requests the Court keep the Niagara Defendants in this action, and the caption, pending the outcome of the submitted motion.

Plaintiff-Relator thanks the Court for its courtesy and consideration.

Respectfully submitted,

*Ashleigh C. Rousseau*

Ashleigh C. Rousseau, Esq. (5801923)

CC: *All Counsel*  
VIA ECF